2682 #8

Attorney Docket # 2132-27PCON

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Teemu STEWEN et al.

Serial No.: 09/559,286

Filed: April 27, 2000

For: Methods and System for Remote Access to and Payment for Products Delivered from Automated Apparatus

Examiner: Nguyen, David Q.
Group Art: 2682

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December 11, 2002
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Alfred W. Froebrich
Name of applicant, assignee or Registered Representative

Signature

December 11, 2002
Date of Signature

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO OFFICE ACTION DATED September 11, 2002

SIR:

The Office Action mailed September 11, 2002 has been reviewed and carefully considered. Claims 1-18 are pending in this application, with claims 1 and 9 being the only independent claims. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

In the Office Action mailed September 11, 2002, claims 1, 6-9, 13, and 15-17 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,991,749 (Morrill).

Claims 10-11 stand rejected under 35 U.S.C. §103 as unpatentable over Morrill.

Claim 12 stands rejected under 35 U.S.C. §103 as unpatentable over Morrill in view of U.S. Patent No. 5,790,936 (Dinkins).

Claim 18 stands rejected under 35 U.S.C. §103 as unpatentable over Morrill in view of U.S. Patent No. 6,198,915 (McGregor).

Claims 2-5 and 14 were found to contain allowable subject matter. While the indication of allowable subject matter is greatly appreciated, Applicants respectfully traverse the rejections of independent claims 1 and 9 in view of the following remarks.

The present invention relates to a method and apparatus for using a wireless terminal device to provide payment to an automated apparatus which provides a product or service to the user. The product or service is automatically provided from the automated apparatus such as a vending machine to users of a telecommunication system in response to electronic transfer of funds initiated by the wireless terminal device of the user connected to the telecommunication system.

With reference to the only Figure of the application, the system according to the present invention includes a telecommunication network 6 with an intelligent network 7, a first terminal device 1, and an automated apparatus 3. A second terminal device 4 and a control unit 5 connected to the second terminal device are arranged in the automated apparatus 3. The first and second terminal devices are connected to the telecommunication network by first and second telecommunication connections.

Independent claim 1 recites a method for providing a service including the steps of establishing a first telecommunication connection between the first terminal device and the intelligent network of the telecommunications network, determining the charge data for the call by the intelligent network, establishing the second telecommunication connection from the telecommunication network to the second terminal device through the intelligent network, and

controlling the automated service apparatus by the control unit in response to the user initiated first telecommunication connection.

Independent claim 9 recites a service providing system, provided by an automated service apparatus, for providing a service to a user under remote user control using a first terminal device connectable to a telecommunications network having an intelligent network. The system includes a second terminal device and a control unit located in the automated service apparatus and connected to the second terminal device and the telecommunication network and controlling the automated service apparatus to provide the desired service in response to user initiation of the first telecommunication connection.

Morrill discloses a method for using a wireless terminal, i.e., cellular phone, to conduct financial transactions such as for purchasing goods or services. The communication for the transaction occurs between the cellular phone of the purchaser and the mobile telephone service of the seller. A CPU in communication with the buyer's phone and the sellers account debits and credits the appropriate accounts and creates an electronic record of the transfer (col. 2, lines 29-31 and col. 3, lines 22-24). In Example 1 described in col. 4, Morrill describes an electronic transfer between a purchaser and a vendor, the vendor having a mobile phone or an arrangement with the service provider to credit an account of the vendor (col. 4, lines 40-44). Once the electronic transfer is completed, the seller receives a confirmation of the fund transfer and then provides purchased services or goods to the buyer. Accordingly, the disclosure of Morrill is similar to paying for goods with a credit card at a department store, wherein the cashier contacts the credit card company, provides information to the credit card company about the purchase, and provides the purchased goods to the buyer after confirmation of the transaction is approved by the credit card company.

To anticipate a claim, a reference must disclose each and every element of the claim. Morrill fails to disclose, teach, or suggest (1) that an intelligent network is used to determine charge data and to establish a connection to the second terminal device which is in the automated service apparatus and (2) that an automated service apparatus is controlled by the communication between the second terminal device and the telecommunication network, as recited in independent claims 1 and 9.

The term "intelligent network" is defined in the specification by reference to ITU-T recommendation Q121x and Bellcore AIN recommendations. Attachment 1 to this response is a copy of ITU I.312/Q.1201 (10/92) which describes the principles of the intelligent network architecture defined in the Q121x recommendations. Attachment 2 is a copy of an intelligent network tutorial presently available on the internet at http://www.iec.org (printed on December 6, 2002). Attachments 1 and 2 show that the intelligent network is service logic that is connected externally to conventional telecommunication switching systems (see, e.g., Fig. 16 on page 16 of Attachment 1 and pages 4-5 of Attachment 2). The CPU disclosed by Morrill connected to the telecommunications networks can not be considered an intelligent network as recited in independent claims 1 and 9 and defined in the specification. Rather, the CPU is Morrill is merely a server connected to the telecommunications network for providing the electronic funds transfer.

Furthermore, Morrill also fails to disclose an automated apparatus which provides the desired service in response to the communications initiated by the first wireless terminal with the telecommunication network, as recited in independent claims 1 and 9. As stated above, Morrill merely discloses the use of a cellular phone to electronically transfer funds by communicating with a CPU connected to the telecommunication network. The CPU of Morrill

transfers funds but does not provide instructions to an automated apparatus to automatically provide the desired service.

In view of the above remarks, it is respectfully submitted that independent claims 1 and 9 are not anticipated by Morrill. Furthermore, since Morrill is merely concerned with electronically transferring funds by a CPU connected to the telecommunications network, there is no teaching or suggestion for a second terminal device arranged in an automated apparatus, wherein the automated apparatus has a control unit for monitoring the second terminal device, with the automated apparatus automatically providing the desired service in response to the user establishment of the first telecommunications connection.

Dependent claims 2-8 and 10-18, being dependent on independent claims 1 and 9, respectively, are allowable for at least the same reasons as independent claims 1 and 9.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are currently due. However, if any fees or charges are required at this time in connection with the application, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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